

IN THE SENATE OF THE UNITED STATES.

APRIL 14, 1880.—Ordered to be printed.

Mr. WITHERS, from the Committee on Pensions, submitted the following

REPORT:

[To accompany bill S. 1305.]

The Committee on Pensions, to whom was referred the bill (S. 1305) granting a pension to Mrs. Emma Schell, widow of Christian Schell, Forty-fifth Indiana Volunteers, and afterwards of Third Indiana Cavalry, have carefully examined the same, and report:

That at the time of his death Christian Schell was a pensioner at the rate of \$14 per month for aggravated inguinal hernia. That he died September 7, 1876, under the following circumstances, as proven by the testimony of credible eye-witnesses. He had visited Indianapolis for the purpose of drawing his pension, and was returning to his home in Boone County, Indiana, when he left the train at an intermediate station for the purpose of adjusting his truss; that in attempting to get on the train again, which was in the act of starting, his truss broke from the unusual effort required, and, as a consequence, his bowels protruded to such a degree that he was unable to make his footing good, and fell under the wheels of the train, which passed over his leg, and from the combined effect of these injuries he died a few days afterwards. He is proven to have been entirely sober at the time.

The application of his widow was rejected, because the evidence was not regarded as sufficient to establish the fact that his death was produced by the hernia contracted in service. From this decision an appeal was taken, and the decision of the Commissioner was affirmed by the Secretary of the Interior. Under the rules of the bureau the decision was probably correct, but the facts connected with the death of the soldier are, in the opinion of the committee, sufficient to establish a strong equitable claim to the relief asked, inasmuch as the breaking of the truss and the unusual size of the hernial tumor evidently caused the accident by which his leg was crushed by the train.

In addition, the poverty of the widow, left with a large and dependent family on her hands, and the fact that a considerable number of reputable citizens unite in a petition requesting that this relief be granted to a worthy and destitute widow, have induced the committee to recommend the passage of the bill.

ORIGINAL ARTICLES

THE [illegible] OF [illegible]

[illegible text]

[illegible text]

[illegible text]

[illegible text]